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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,709	02/06/2006	Hans-Peter Sendelbach	076326-0305	6859

22428 7590 04/10/2008  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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AMORES, KAREN J

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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04/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,709	<b>Applicant(s)</b> SENDELBACH ET AL.	
	<b>Examiner</b> KAREN JANE J. AMORES	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 28-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/03/2005, 2/16/2007, 1/07/2008</u> .                         | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Acknowledgements***

1. Acknowledgment is made of Applicants' amendment to the claims filed on 10 January 2008.

### ***Claim Rejections - 35 USC § 112***

2. Claims 32 and 52 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the part of the envelope portion inserted into the narrow portion of the filling channel is folded (claims 28 and 51), does not reasonably provide enablement for filling the channel unfolded. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Claims 32 and 52 in combination with independent claims 28 and 51, respectively, are therefore rejected.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 30 – 34, 52, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 30 recites the limitation "the part of the envelope portion that is turned back" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

6. Claims 32 – 34, 52, and 53 recite the limitation "the part of the envelope portion that is turned back" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 28 – 31, 33 – 35, 37, 39 – 41, 45 – 47, 51, and 53 – 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada, JP 2001 171 468 ("Yamada"). Yamada discloses a passenger protecting system, comprising:

9. a gas generator (15); and

10. a gas bag (17) including an envelope portion and a filling channel with a narrow portion which extends along a predefined deployment direction, wherein the narrow portion has a length greater than a width (fig. 4), wherein the system is configured so that inflation gas from the gas generator directly enters the filling channel (fig. 10);

11. wherein at least part of the envelope portion is inserted into the narrow portion of the filling channel (fig. 8B); wherein the part of the envelope portion that is inserted into the narrow portion of the filling channel is folded together in a middle of the part to form a U-shaped pack that is inserted into the narrow portion of the filling channel [0053].

12. In reference to claims 29 – 31, 33 – 35, 37, 39 – 41, and 45 – 47, Yamada further discloses the filling channel is connected to the gas generator (fig. 7B); wherein one end of the filling channel is adapted to be connected to the gas generator and the part of the envelope

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portion that is turned back is located immediately in front of a connection point of the gas generator (fig. 8B); wherein the filling channel forms a side pocket which is located laterally beside the connection point of the gas generator (fig. 11); wherein the part of the envelope portion that is turned back is at least partly zigzag-folded, pleated and/or rolled together (fig. 8B-VI); wherein the part of the envelope portion that is turned back is zigzag-folded, pleated and/or rolled together at an end of the envelope facing away from the filling channel to form a zigzag-folded (claim 1), pleated and/or rolled together envelope pack (fig. 8B), wherein the envelope pack is folded together at least once to form the U-shaped pack (fig. 8B-VII); wherein the gas bag has two or more gas bag chambers (27 and 28); wherein the filling channel is formed laterally (fig. 8A), at least partly, by a seam (16) in the envelope of the gasbag; wherein the filling channel is formed, at least partly, by a diffuser layer fitted in-the gas bag and/or by retaining straps (23); wherein the filling channel is at least partly tubular (fig. 6B); wherein a cross section of the filling channel widens like a funnel at an open end of the filling channel [0003]; wherein the gas bag is a head- thorax gas bag that includes a head region and a thorax region [0014]; wherein the head region of the gas bag is turned back into the filling channel (fig. 8B); wherein the gas bag is accommodated in a backrest of a motor vehicle seat so that the predefined deployment direction extends parallel to the backrest of the motor vehicle seat [0016], and in a direction of the vehicle roof [0017].

13. In reference to claim 51, Yamada discloses a method for folding a gas bag, comprising:

14. inserting at least a part of a gas bag envelope of the gas bag into an envelope section of the gas bag envelope (fig. 8B); and

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15. inserting the part of the gas bag envelope into a narrow portion of a filling channel [0030], wherein the narrow portion has a length greater than a width (fig. 8A);
16. wherein the filling channel is partly formed by the gas bag envelope (fig. 7B);
17. wherein the filling channel extends along a predefined deployment direction [0013];
18. wherein the part of the gas bag envelope that is inserted into the narrow portion of the filling channel is folded together in a middle of the part to form a U-shaped pack that is inserted into the narrow portion of the filling channel [0053].
19. In reference to claims 53 and 54, Yamada further discloses a part of the gas bag envelope is turned back is at least partly zigzag-folded, pleated and/or rolled together (fig. 8B-VI); and wherein the part that is turned back is firstly zigzag-folded, pleated and/or rolled together at an end of the envelope facing away from the filling channel to form a zigzag-folded, pleated and/or rolled together envelope pack (fig 8B-VI), wherein the envelope pack is folded together at least once to form the U-shaped pack filling channel (fig. 8B-VII).
20. In reference to claim 55, Yamada discloses a system for protecting passengers of a vehicle, comprising:
  21. a gas generator (fig. 7A); and
  22. an air bag [0001], including a folded section and a filling channel with a narrow portion [0002], wherein the narrow portion has a length greater than a width (fig. 7A);
  23. wherein the filling channel is adjacent to the gas generator (fig. 7B);
  24. wherein the folded section is inserted in the narrow portion of the filling channel so that when inflation gas from the gas generator enter the filling channel (fig. 11), gas pressure builds up [0003], expelling the folded section in a predetermined direction [0006];

25. wherein the folded section that is inserted into the narrow portion of the filling channel is folded together in a middle of the folded section to form a U-shaped pack that is inserted into the narrow portion of the filling channel [0053].

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Zimmerman, II et al. U.S. 5,586,782 ("Zimmerman"). Yamada does not disclose the gas bag having at least one inner gas bag chamber. Zimmerman teaches a gas bag having at least one inner gas bag chamber (50a) surrounded by an outer gas bag chamber (50b). Zimmerman further teaches a filling channel is formed (column 1, line 47), at least partly, by side walls of associated gas bag chambers (fig. 2). It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Yamada such that it disclosed at least one inner gas bag chamber in view of the teachings of Zimmerman so as to achieve a higher pressure in the upper part of the airbag than the lower part to protect the head properly (column 1, line 33).

28. Claims 42, 44, 48 – 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Garret et al. GB 2 318 767 ("Garret"). Yamada discloses the gas bag



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including a thorax region (27). Yamada further discloses the gas bag is accommodated in a backrest of a motor vehicle seat so that the predefined deployment direction extends parallel to the backrest of the motor vehicle seat [001], in a direction of the vehicle seat area [0006]; and wherein the head region of the gas bag is turned back into a filling channel [0010]. Yamada does not disclose the gas bag as a pelvis-thorax bag that includes a pelvis region. Garret teaches a gas bag (1) as a pelvis-thorax gas bag that includes a pelvis region and a thorax region. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Yamada such that it comprised the pelvis region in view of the teachings of Garret so as to cover and protect all areas during a side impact.

29. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada and Garret as applied to claim 42 above, and further in view of Pausch et al. WO 98/56622 ("Pausch"). Yamada and Garret do not disclose the pelvis region of the gas bag is turned back into the filling channel. Pausch teaches a pelvis region (10) of the gas bag turned back into the filling channel. It would have been obvious for a person having ordinary skill in the art at the time the invention was made to modify Yamada and Garret such that it comprised the pelvis region of the gas bag turned back into the filling channel in view of the teachings of Pausch so as to show the alternative method of folding of a similar airbag structure and a method old and well known in the art.

30. Claims 32 and 52 are so indefinite as per 112 1st paragraph above that no determination could be made regarding their patentability over the art.

***Response to Arguments***

31. Applicant's arguments with respect to claims 28 – 55 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamura et al. DE 197 14 267 discloses a gas bag for a car passenger-protecting system similar to that of the invention, with a part of an envelope portion turned back is stuffed into the filling channel unfolded.

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN JANE J. AMORES whose telephone number is

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(571)272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571)-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen J. Amores  
Examiner  
Art Unit 3616

/K. J. A./  
Examiner, Art Unit 3616

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Primary Examiner, Art Unit 3616